



# UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

23505            7590            03/18/2004

CONLEY ROSE, P.C.  
P. O. BOX 3267  
HOUSTON, TX 77253-3267

EXAMINER

GARBER, CHARLES D

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 03/18/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,268	08/30/2001	Charles R. Allen	1787-11800	1011

TITLE OF INVENTION: ULTRASONIC FLOWMETER TRANSDUCER MOUNT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	06/18/2004

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHT. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THE STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (O AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

**II. PART B - FEE(S) TRANSMITTAL** should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

**III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to:

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

23505      7590      03/18/2004

**CONLEY ROSE, P.C.  
P. O. BOX 3267  
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Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompany papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(D)

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nonprovisional	NO	\$1330	\$300	\$1630	06/18/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
GARBER, CHARLES D	2856	073-866500

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent);       individual       corporation or other private group entity       government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee  
 Publication Fee  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment. Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)	
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.		
This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.		
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.		



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23505	7590	03/18/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267				GARBER, CHARLES D
ART UNIT		PAPER NUMBER		
		2856		

DATE MAILED: 03/18/2004

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,268	ALLEN, CHARLES R.	
	Examiner	Art Unit	
	Charles D. Garber	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 09944268.
2.  The allowed claim(s) is/are 1-5 and 7-16.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

## PATENT DRAWING REVIEW

Under USPTO Standards 37 CFR 1.84 and 1.152

The drawings, filed on 10/23/2001 , are not compliance with the following Rules:

<p><b>1. DRAWINGS.</b> 1.84(a).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Color drawings are not acceptable until petition is granted. Fig(s).</li><li><input type="checkbox"/> Three sets of color drawings are required. Fig(s).</li><li><input type="checkbox"/> Pencil, non-black ink are not permitted. Fig(s).</li></ul> <p><b>2. PHOTOGRAPHS.</b> 1.84(b).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Poor quality photos. Fig(s).</li></ul> <p><b>3. TYPE OF PAPER.</b> 1.84(e).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Paper not flexible, strong, white, and durable. Fig(s).</li><li><input type="checkbox"/> Erasures, alterations, over writings, interlineations, folds, copy machine marks not accepted. Fig(s).</li></ul> <p><b>4. SIZE OF PAPER.</b> 1.84(f). Acceptable paper sizes: 21.0cm x 29.7cm (A4 International Standard Size) 21.6cm x 27.9cm (US Letter size, 8.5" x 11")</p> <ul style="list-style-type: none"><li><input type="checkbox"/> All drawing sheets are not the same size. Sheet(s)</li><li><input type="checkbox"/> Paper size not acceptable. Fig(s).</li></ul> <p><b>5. MARGINS.</b> 1.84(g). Acceptable margins : Top 2.5cm – Left 2.5cm – Right 1.5cm – Bottom 1cm</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Margins not acceptable. Fig(s).</li></ul> <p style="text-align: center;"><input type="checkbox"/> Top    <input type="checkbox"/> Left    <input type="checkbox"/> Right    <input type="checkbox"/> Bottom</p> <p><b>6. VIEWS.</b> 1.84(h).</p> <p>REMINDER: Specification may need to be revised in correspondence with the drawing changes.</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Views not labeled separately or properly. Fig(s).</li></ul> <p><b>7. SECTIONAL VIEWS.</b> 1.84(h)(3).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Sectional designation should be in Arabic or Roman number. Fig(s).</li></ul> <p><b>8. ARRANGEMENT OF VIEWS.</b> 1.84(i ).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Different figures must be clearly separated. Fig(s).</li></ul>	<p><b>9. SCALE.</b> 1.84(k).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Scale not large enough, details not clear. Fig(s).</li></ul> <p><b>10. CHARACTER OF LINES, NUMBERS, LETTERS.</b> 1.84(l).</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Lines, numbers, letters not uniform, clean, and well defined, (poor quality). Fig(s). 1 -6.</li></ul> <p><b>11. SHADING.</b> 1.84(m).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Solid black shading not permitted. Fig(s).</li></ul> <p><b>12. REFERENCE CHARACTERS: NUMBERS, LETTERS.</b> 1.84(p).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Characters not plain, legible. Fig(s).</li></ul> <ul style="list-style-type: none"><li><input type="checkbox"/> Characters not oriented in the same direction as the view. Fig(s).</li><li><input type="checkbox"/> English required. Fig(s).</li><li><input type="checkbox"/> Characters must be at least .32cm (1/8") height. Fig(s).</li></ul> <p><b>13. LEAD LINES.</b> 1.84(q).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Crossed lead lines not allowed. Fig(s).</li><li><input type="checkbox"/> Missing lead lines. Fig(s).</li></ul> <p><b>14. PAGE NUMBERING.</b> 1.84(t).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Drawing sheets not properly numbered. Fig(s).</li></ul> <p><b>15. VIEW NUMBERING.</b> 1.84(u).</p> <ul style="list-style-type: none"><li><input type="checkbox"/> View not numbered consecutively, in Arabic numbers, begin with number 1. Fig(s).</li></ul> <p><b>16. DESIGN DRAWINGS.</b> 1.152.</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Surface shading not appropriate. Fig(s).</li><li><input type="checkbox"/> Solid black shading not permitted. Fig(s).</li></ul>
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**COMMENTS:**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/944,268 Confirmation No. 1011  
Applicant(s) : Charles R. Allen  
Filed : August 30, 2001  
TC/A.U. : 2856  
Examiner : Charles D. Garber

RECEIVED  
CENTRAL FAX CENTER  
MAR 03 2004

Title : Ultrasonic Flowmeter Transducer Mount  
Docket No. : 1787-11800  
Customer No. : 23505

Date : March 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Please enter  
The following Amendment.

COFL 3/12/04

OFFICIAL

## RESPONSE TO FINAL OFFICE ACTION DATED JANUARY 12, 2004

Sir:

Please consider the following remarks in response to the final Office action dated January 12, 2004.

Amendments to the Claims are reflected in the listing of the claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

118931.01/1787.11800